

REMARKS

The above amendments and these remarks are responsive to the non-final Office Action issued on January 3, 2007. By this response, claims 1, 8 and 9 are amended. No new matter is added. Claims 1-9 and 11 are now active for examination.

The Office Action

The Office Action rejected claims 1-9 and 11 under 35 U.S.C. §103(a) as being unpatentable over Hale et al. (U.S. Patent No. 6,785,539) in view of Aoki (U.S. Patent 7,065,348). It is respectfully submitted that the claim rejection is overcome in view of the amendments and/or remarks presented herein.

The Obviousness Rejections of Claims is Overcome

Claim 1-9 and 11 were rejected as being unpatentable over Hale. By this Response, claims 1, 8 and 9 are amended. It is respectfully submitted that the obvious rejection is overcome because Hale cannot support a prima facie case of obviousness.

Claim 1, as amended, describes a program for execution by a mobile terminal device. The mobile terminal device includes a first communicator, a second communicator and a button. The first communicator is configured to transmit and receive a wireless communication signal to and from a network base station. The second communicator is configured to receive contents and does not transmit the wireless communication signal. When the button is activated, the program is received by the second communicator in **exchange** for a wireless communication signal being unable to be transmitted from the first communicator. Appropriate support for the amendment can be found in, for instance, page 4, ln. 16 through page 5, ln. 21, and page 12, lns 8-13 of the written description.

For instance, an exemplary mobile terminal device allows a user to **activate a button** to **disable** transmitting or receiving a wireless communication signal to/from a network base station, in **exchange** for receipt of a program or content signals, such as specialized programs, new services or contents, from a server. In other words, the terminal device now can only receive contents from the server, but cannot transmit signals to the base station of a communication network. Therefore, no disturbing phone rings would come up from the terminal device.

On the other hand, Hale relates to a portable device 14 preloaded with a plurality of content programs which are selectively presented by a user by the triggering of a received code. The content programs can also be streamed via a wireless network. According the Examiner's construction, the portable device 14 is comparable to a first communicator, transmitter 51 is similar to the second communicator, and user inputs (pushbuttons) 55 in Fig. 5A or 5B is the alleged button described in the claims. The Office Action asserted that when a patron activates the portable device by pressing a button, "the program is received by the first communicator [(transmitter 51)]." See page 2, last paragraph of the Office Action.

However, according to Hale, the user inputs 55 are only "used for interactive applications." Hale does **not** disclose that a user may use the user inputs 55 to disable transmitting or receiving a wireless communication signal, in **exchange** for receipt of the content programs. Therefore, Hale fails to describe **the claim limitation** that "when the button is activated, the program is received by the second communicator in exchange for the wireless communication signal being unable to be transmitted from the first communicator." The Office Action appears to ignore this claim limitation entirely, and fail to properly address the claim limitation.

The other document, Aoki, was cited for its purported discussion of a system that transmits location information of a portable radio terminal based on a user's request. However, Aoki also fails to disclose that "when the button is activated, the program is received by the second communicator in exchange for the wireless communication signal being unable to be transmitted from the first communicator," as described in claim 1.

Accordingly, Hale and Aoki, even if combined, do not meet every limitation of claim 1 and hence cannot support a prima facie case of obviousness. The obviousness rejection is untenable and should be withdrawn. Favorable reconsideration of claim 1 is respectfully requested.

Independent claims 2 and 11 include descriptions related to **activating a button to disable** transmitting or receiving a wireless communication signal to/from a network base station, in **exchange** for receipt of a program or content signals. As discussed earlier relative to claim 1, neither Hale nor Aoki disclose these features. Accordingly, claims 2 and 11 are patentable over the combination of Hale and Aoki for at least the same reasons as for claim 1, as well as based on their own merits. Favorable reconsideration of claims 2 and 11 is respectfully requested.

Claims 3-9 depend on claims 1 and 2, respectively, and incorporate every limitation thereof. Consequently, claims 3-9 are patentable over the documents of record by virtue of their dependencies. Favorable reconsideration of claims 3-9 is respectfully requested.

Request for Acknowledgement of Consideration of Prior Art

Applicants note that the Office Action does not acknowledge consideration of JP2001223786A submitted by an Information Disclosure Statement filed on August 14, 2006 with English abstract. It is respectfully requested that consideration of the document be acknowledged and a properly initialed 1449 form be sent to Applicants.

Conclusion

For the reasons given above, Applicants believe that this application is conditioned for allowance and request that the Examiner give the application favorable consideration and permit it to issue as a patent. However, if the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representatives listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to **Deposit Account 500417** and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Wei-Chen Nicholas Chen

Registration No. 56,665

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 WNC:al
Facsimile: (202) 756-8087
Date: March 30, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**

WDC99 1343506-1.062758.0074